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A Michigan Department of Education
State Manual
to assist school districts in their work with
students of limited English proficiency



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Michigan Department of Education Programs for Limited English Proficient Students

It is the position of the Michigan Department of Education that students of limited English proficiency can achieve levels of academic performance comparable to those of the general English speaking population, and that it is the responsibility of local school districts to provide appropriate instructional services to ensure that these students are not deprived of the opportunity to learn content matter while they also gain proficiency in English.

Bilingual Education is one approach that makes it possible for linguistically diverse children to achieve the same challenging academic standards required of all children enrolled in Michigan's schools.

A well designed instructional program, using the student's native language to varying degrees, can be very effective in promoting English proficiency and subject area competence. The goals of Bilingual Education programs are to:

- Help limited English proficient students master English; and
- Help limited English proficient students master challenging content in all areas of the curriculum.

Bilingual Education is a vehicle to ensure equal access to education and to promote educational excellence for limited English proficient learners.

Other options for meeting the obligation to provide appropriate instructional services to limited English proficient students include various types of English as a Second Language (ESL) programs. Guidance on selecting and implementing appropriate programs is found in the Office for Civil Rights document, [Programs for English Language Learners](#), which is available on the Michigan Department of Education website at: www.state.mi.us/mde/off/fs/index.htm.

For more information, please contact the Office of Field Services at:

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MOST FREQUENTLY ASKED QUESTIONS FOR BILINGUAL EDUCATION/ESL PROGRAMS

Question	Without a “State Bilingual Mandate,” are local school districts required to operate a bilingual education program?
Answer	<p>With or without a “State Mandate” for bilingual education, a school district is obligated to assure equal educational opportunity for all students, including those who, because of their inability to speak and understand English language instruction, are excluded from effective participation in school. This can be done through bilingual education or English as a Second Language (ESL) instruction.</p> <p>Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance. Appendix I contains a list of the obligations that a district receiving federal financial assistance must address in order to ensure equal educational opportunities for limited English proficient students.</p>
Question	What funds can be used to provide basic bilingual services?
Answer	Services to limited English proficient (LEP) students should be provided with the district’s foundation allowance and available categorical funds. The instructional program should provide LEP students with equal access to all areas of the curriculum.
Question	What funding or grants are available to local school districts to help develop and implement programs for limited English proficient students?
Answer	Funds that are available to local districts to develop and implement programs for LEP students include state funds for bilingual education programs (Section 41 of the State School Aid Act) and federal funds (Title VII of Improving America’s School Act of 1994).
Question	Can a district receive Section 41 funds when it only provides students with ESL services?
Answer	No. Section 41 funds are restricted to those districts that provide bilingual instruction in English and the student's native language. However, local school districts can provide ESL services to meet Office for Civil Rights compliance.
Question	What is the application process for these programs?

Answer The state Section 41 funds are accessed through a non-competitive application process. These funds must be used exclusively for bilingual instruction programs which use both English and the native or home language of the student to provide instruction. These funds are available from the Michigan Department of Education, Office of Field Services, P. O. Box 30008, Lansing, MI 48909, telephone (517) 373-3921.

The federal funds (Title VII) can be accessed through a competitive application process from the Office of Bilingual Education and Minority Language Affairs, U.S. Department of Education, 330 C Street SW, Washington, DC 20202-6510. Telephone (202) 205-5463.

Question What type of technical assistance can the Michigan Department of Education provide to our district?

Answer The Michigan Department of Education (MDE), Office of Field Services regional consultants can provide assistance to school districts to assure equal educational opportunity for students of limited English proficiency.

LEGAL REQUIREMENTS

Federal Requirements

Justice Douglas, in the opinion which he delivered for the United States Supreme Court in the landmark case of *Lau v Nicholas*, 414 U.S. 563, stated:

“There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum – for students who do not understand English are effectively foreclosed from any meaningful education.”

“Where inability to speak and understand the English language excludes national origin minority groups from effective participation in the educational programs offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”

“Basic English skills are at the very core of what the schools teach.”

“Imposition of a requirement that before a child can effectively participate in the educational program, he must have already acquired those basic skills (referring to English skills) is to make mockery of public education.”

The Supreme Court decision in the case of *Lau v Nicholas* is the most significant legal statement on the educational rights of limited English speaking students in the United States. Receiving unanimous support, the Lau Decision has served as a cornerstone nationwide for the development of bilingual education and other special educational services to allow the country’s linguistically different children an equal access to quality education. Information regarding the Lau Decision can be obtained from the U.S. Department of Education website at: www.ed.gov/offices/OCR/ELL/lau.html.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The Office for Civil Rights (OCR) within the U. S. Department of Education has responsibility for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance.

Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Under the U.S. Department of Education's Title VI regulations (34 C.F.R. Part 100), practices of discrimination which are prohibited, when based on race, color, or national origin, include:

- providing services, financial aid, or other benefits that are provided in a different manner;
- restricting an individual's enjoyment of an advantage or privilege enjoyed by others;
- denying an individual the right to participate in federally assisted programs; and
- defeating or substantially impairing the objectives of federally assisted programs.

These Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a student's limited proficiency in English. Thus, Title VI protects those students who are limited in their English language skills such that they are unable to participate in, or benefit from, regular or special education school instructional programs. (Office for Civil Rights, The Provision of an Equal Education Opportunity to Limited English Proficient Students, December, 1992, pp. 2-3).

Copies of the booklet, The Provision of an Equal Education Opportunity to Limited English Proficient Students, can be obtained from the Michigan Department of Education, Office of Field Services.

STATE SCHOOL CODE (ACT 289 of 1995)

380.1151 English as basic language of instruction; exceptions.

Sec. 1151. (1) English shall be the basic language of instruction in the public and non public schools of this state and in state institutions.

(2) Subsection (1) shall not be construed as applying to:

(A) Religious instruction in a non public school given in a foreign language in addition to the regular course of study.

(B) a course of instruction in a foreign language in which the pupil acquired sufficient proficiency to be conversant in the foreign language.

(C) Bilingual instruction, as defined in section 1152, which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

380.1152 “Bilingual instruction,” “children of limited English-speaking ability,” and “in-service training” defined.

Sec. 1152. As used in section 1152 to 1158:

(a) “Bilingual instruction” means the use of 2 languages, 1 of which is English, as media of instruction for speaking, reading, writing, or comprehension. “Bilingual instruction” may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

(b) “Children of limited English-speaking ability” means children who have or reasonably may be expected to have difficulty performing ordinary class work in English because their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.

(c) “in-service training” means short-term or part-time training for administrators, teachers, teacher aides, para-professionals, or other education personnel engaged in bilingual instruction programs for children of limited English-speaking ability.

380.1153 Bilingual instruction program; establishment and operation.

Sec. 1153. (1) The board of a school district may establish and operate a bilingual instruction program for children of limited English-speaking ability.

(2) A child of limited English-speaking ability residing in a district that does not have an appropriate bilingual instruction program or that is not required to have a bilingual instruction program may enroll in a bilingual instruction program in another school district.

(3) An intermediate school district may operate or contract for the operation of a bilingual program or service, and may carry children enrolled in the program in membership in the same manner as a local school district and be entitled to its proportionate share of state funds available for the program.

Membership shall be calculated under rules promulgated by the school board. The intermediate school board shall consider:

- (a) Whether the cost of operating an intermediate bilingual instruction - support program is justified by the number of children at each grade level who would benefit from its establishment.
 - (b) Whether alternative methods of providing a bilingual instruction - support program, such as visiting teachers or part time instruction, can be provided.
- (4) The state shall continue to fund programs of bilingual instruction described in this section at least at the level that instruction is funded in the 1995-1996 state fiscal year.

380.1155 Bilingual instruction program; notice of enrollment.

Sec. 1155. (1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the board of the local school district in which the child resided shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, nontechnical description of the purpose, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides.

ADMINISTRATIVE RULES

STATE BOARD OF EDUCATION

IDENTIFICATION OF STUDENTS ELIGIBLE FOR BILINGUAL EDUCATION FUNDING

Filed with the Secretary of State

These rules take effect 15 days after filing for Section 41 funds with the State.

(By authority conferred on the State Board of Education by Section 15 of Act No. 287 of the Public Acts of 1964, as amended, Section 1153 of Act No. 451 of the Public Acts of 1976, as amended, and Section 9 of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1015, 380.1153, 388.1153, and 388.1609 of the Michigan Compiled Laws)

R 388.701 Definitions

Rule 1. As used in these rules:

- A) “Act” means Act No. 94 of the Public Acts of 1979, as amended, being 388.1601 et seq. of the Michigan Compiled Laws, and known as the State School Aid Act of 1979.
- B) “Department” means the Michigan Department of Education.
- C) “Home Language Survey” means a survey performed by local school officials, using a department-approved survey form, to determine those students potentially eligible to receive bilingual instruction.
- D) “Test” means a department-approved device used to measure a pupil’s oral English proficiency or a pupil’s English reading ability.

R 388.702 Home Language Survey required.

Rule 2. (1) A school district shall perform a home language survey for the purpose of identifying enrolled students whose native language is a language other than English or whose primary language spoken in the home or environment is a language other than English.

(2) Students identified pursuant to subrule (1) of this rule are considered potentially eligible for bilingual education funding.

R 388.703 Identifying potentially eligible students; methods.

Rule 3. To identify all students who are potentially eligible for bilingual education funding, a school district shall use either of the following methods:

- (a) Send a Home Language Survey Form to the home of every student enrolled in the school district. If the survey form is not returned within a reasonable period of time, the home shall be contacted, by telephone or home visit, to obtain the necessary information. If the school district has previously conducted a Home Language Survey of all students enrolled in the school district, the results of that survey may be used if updated to include new and transfer students.

(b) Solicit referrals for bilingual program placement from all of the following:

- (i) Teachers
- (ii) Administrators
- (iii) Community groups
- (iv) Advisory committee
- (v) Other students
- (vi) Parents
- (vii) Other appropriate parties in the district.

R 388.704 Follow-up

Rule 4. (1) Follow-up on all surveys not returned from homes of students who have been referred for program placement shall be conducted.

(2) A Home Language Survey Form or the necessary information shall be secured.

(3) Documentary evidence of solicited referrals and follow-up shall be maintained.

R 388.705 Eligible students.

Rule 5. (1) Any of the following standards shall be used to determine the eligibility of a student for bilingual education funding:

(a) A potentially eligible student who is enrolled in grades K-2 and who has been determined eligible based on a consultation between the school district and the student's parents.

(b) A potentially eligible student who is enrolled in grades 3-12 and who scores at or below the fortieth percentile on a test of oral English language proficiency approved by the Department.

(c) A potentially eligible student who is enrolled in grades 3-12 and who scores at or below the fortieth percentile on an English reading test, or sub-test, approved by the Department.

(2) A student declared ineligible in previous years because of test results shall be considered eligible if retesting in later years produces scores at or below the fortieth percentile.

(3) A school district shall not determine eligibility on the basis of a test score more than 6 months old.

R 388.706 Receipt of funds; basis.

Rule 6. A school district shall receive funds, as appropriated by Section 41 of the Act, based upon the number of eligible students enrolled in and receiving bilingual instruction on the pupil membership count day.

R 388.707 Notification of parents or guardians of eligible students.

Rule 7. A school district shall notify the parents or guardians of eligible students before placement within a bilingual education program. The notice shall contain a simple, non-technical description of the purposes, method, and content of the program and shall inform the parents or guardians that they have the right to visit bilingual instruction classes in which their child is enrolled.

R 388.708 Withdrawal from program.

Rule 8. An eligible student becomes ineligible if a parent or guardian withdraws the student from the program.

R 388.709 List of potentially eligible students and eligible students served; compilation by school district required.

Rule 9. As part of the pupil membership count day, a school district shall compile a list of potentially eligible students and eligible students served.

R 388.710 School district application submission as voluntary; approval by Department.

Rule 10. A school district may submit an application describing the program it offers. The application shall be approved by the Department.

R 388.711 Compilation of list of eligible students by Department required; additional responsibilities.

Rule 11. (1) The Department shall compile a list of eligible bilingual students when eligibility has been verified.

(2) The Department shall also compile program information and shall allocate funds as appropriated under the Act.

ESTABLISHING A BILINGUAL EDUCATION PROGRAM

Question	How is a bilingual program initiated?
Answer	Identification of eligible students is the first step for initiating a bilingual education program.
Question	How are eligible students identified?
Answer	Potentially eligible students are identified by using a Home Language Survey. A Home Language Survey is performed by local school officials, using a department-approved survey form, to determine those students potentially eligible to receive bilingual instruction. The eligibility of those students is then determined by consultation with parents for students in grades K-2, or by scores on a test of oral English proficiency or an English reading test for students in grades 3-12. Sections 388.702 through 388.705 of the State Administrative Rules describe the identification process.
Question	Where can the Home Language Survey be obtained?
Answer	The Home Language Survey can be obtained from the Office of Field Services. The survey is available in English, Spanish, French, Italian, Arabic and Ojibwa.
Question	How can a district ensure that all LEP students are identified quickly and efficiently?
Answer	<p>To ensure timely identification of all LEP students, it is recommended that the student registration form include, clearly and prominently, a question that requests the primary language spoken at home. Such information should be checked by the school principal and given to the person in charge of bilingual education.</p> <p>It is recommended that school districts conduct the Home Language Survey and parent consultations or testing in the spring of the school year, so that a check for only newly-enrolled students will be necessary in the fall. A simple method to locate students during fall registration time will provide a current count of eligible students.</p>
Question	What is the correct way to identify the native or home language of a student?
Answer	The application for state funds for bilingual education requires the identification of the native or home language of limited English proficient students, not their nationality. The Office of Field Services has two documents which help to identify the student's native or home language. These are: Document I - <i>Country and Languages</i> ; and Document II - <i>Language Families of the World</i> . These documents are available upon request.

Question	Which tests are used to determine student eligibility?
Answer	Only nationally recognized norm-referenced tests that measure oral English proficiency or English reading skills are appropriate for determining eligibility. MEAP is not one of those tests.
Question	Is the district required to maintain records of students who are limited English proficient?
Answer	The district must compile a list of potentially eligible students and a list of the eligible students who receive bilingual instruction. All students identified through the Home Language Survey are potentially eligible students. All potentially eligible students in grades 3 and above must be tested annually in order to verify eligibility. An eligible student is one that scored, within the previous six months, at or below the fortieth percentile on a test that measures oral English proficiency or English reading skills. Children in grades kindergarten through second grade are eligible if the parents and the school agree to their participation in the district's bilingual education program. Eligibility of students is based on criteria specified in Administrative Rule 388.705.
Question	Does the state help school districts operate programs of instruction for students of limited English proficiency?
Answer	Yes, the state provides funds and technical assistance to school districts through the Office of Field Services.
Question	How can the application form for state funds for bilingual education be obtained and what is the procedure for requesting funds?
Answer	Districts can apply for state bilingual education (Section 41) funds as a part of the Consolidated Application. The information required on the application form includes the number of eligible bilingual students by grade, the language spoken, the number and type of bilingual staff that will provide instruction in the child's native language and a description of the services that will be provided during the school year. Applicant districts must also provide information on tests used to identify eligible students, MEAP participation and performance, limited English proficient students retained, and students reclassified as no longer limited English proficient. The Consolidated Application form (FS 4941) can be accessed from the Michigan Department of Education website at: www.state.mi.us/mde/off/fs/grants.htm .

OPERATING A BILINGUAL EDUCATION PROGRAM

Question Once the information on students of limited English proficiency has been collected and the application form for funding has been completed, how does the program become operational?

Answer The district notifies the parents or legal guardian that their child(ren) is eligible to participate in the bilingual education program. The parent(s) must be notified in accordance with the law. The applicable section is quoted below.

“Section 1115. (1) Prior to the placement of a child of limited English speaking ability in a bilingual instruction program, the board of the local school district in which the child resides shall notify, by registered mail, the child’s parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, non-technical description of the purposes, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides. A sample of a parent notification letter can be obtained from the Office of Field Services.”

Question What are the staffing requirements for bilingual programs?

Answer Qualified instructional staff must be hired to provide bilingual instruction. According to Michigan law, all persons providing instruction at the elementary and secondary levels must hold a certificate, permit, or vocational authorization valid for the teaching assignment. Bilingual instruction must be provided by or under the direct supervision of staff who meet one of the following qualifications:

- 1) A teacher holding a valid Michigan teaching certificate with a bilingual endorsement;
- 2) A teacher holding a valid Michigan certificate without the appropriate bilingual endorsement, but who is deemed able to function in such an assignment and for whom the school district has received approval for an emergency permit; or

3) A teacher who may not have a valid Michigan certificate, but who is deemed able to function in such an assignment and for whom the school district has received approval for an emergency permit.

Recognizing that the demand for bilingual teachers exceeds the supply in some language categories, the Teacher Certification Code authorizes the issuance of permits upon the application of a recommending superintendent or personnel officer. When applying for a permit, the superintendent must affirm that a qualified teacher is not available for employment. Districts must make every reasonable effort to find bilingual teachers endorsed in the appropriate language(s). A full year special permit may be renewed if the person has completed 6 semester hours of satisfactory additional credit applying on the requirements.

Approval for permits will not be granted if qualified staff are available for employment. Therefore, a district may not retain staff on permits and layoff endorsed bilingual teachers within a language classification.

Question What is the appropriate way to use bilingual paraprofessionals in bilingual programs?

Answer Bilingual paraprofessionals who speak the student's native language may provide instruction under the direct supervision of a certified teacher with a bilingual endorsement.

Question What determines the best bilingual instruction for the student?

Answer The educational needs of the limited English proficient student must be assessed. The staff hired to provide bilingual instruction will be the primary participants in the assessment of the student's educational needs. Other school staff, such as psychologists, teachers of English and teacher assistants may assist the bilingual teacher.

Question What is the content of instruction?

Answer Bilingual instruction must include the student's home language and English. Both languages are necessary for the education of the student; the extent to which a language is used will depend upon the student's knowledge of that language. If the student knows only Arabic, the content in each class must be taught in the Arabic language. The student will learn in Arabic while he learns English.

Question	What other factors have been found to be successful in the management of bilingual programs?
Answer	For bilingual programs funded in part with Section 41 funds, two other factors have been identified: (1) frequency of instruction and (2) quality of instruction provided by teachers who are bilingual, and who have an endorsement in bilingual education.

PARTICIPATION OF LEP STUDENTS IN MICHIGAN EDUCATIONAL ASSESSMENT PROGRAM (MEAP) TESTS

Students to be Tested

All limited English proficient (LEP) students in grades 4 and 7 must be given the opportunity to take the MEAP Essential Skills Mathematics and Reading Tests. All LEP students in grades 5 and 8 must be given the opportunity to take the MEAP Science, Social Studies and Writing Tests (MEAP Coordinator's Manual, Grades 4, 5, 7 & 8, pg. 6).

HST First Time Testers

All limited English proficient students in grade 11 should be given the opportunity to take the MEAP High School Test to earn endorsements in mathematics, reading, science, social studies and writing. Students who have the opportunity to take the HST for the first time in the spring, also include:

- Grade 10 students who want to take the HST for dual enrollment purposes, who have provided a letter from their parents to the school district indicating their intention to dual enroll. *All grade 10 and grade 11 dual enrollers who tested in mathematics, reading, science, and writing in the winter, should test in social studies in the spring, if they didn't already do so.*
- Students who will graduate during the current school year (including those in grade 12, alternative education and adult education) who have not yet taken the HST.
- All grade 11, grade 12, alternative education, and adult education students who are new to Michigan.

HST Retesters

All students who have previously taken the HST or High School Proficiency Test (HSPT) should be given the opportunity to retest in order to qualify for an endorsement, to receive a higher level, or to receive a higher scaled score.

Students Not Tested

The *only* grade 11 students not tested in any subject should include:

- students with disabilities or limited English proficiency who are *exempted* from testing in that subject by parent or guardian request. For special education students, this decision should be made through the Individualized Educational Plan (IEP) Team.
- students who have already earned an endorsement in that subject.

As of July 1, 1998, the Individual Education Plan Team (IEPT) determines how LEP students with disabilities are assessed in each of the core content areas. The IEP specifies whether or not the student participates in one or more of the MEAP assessments or an alternative assessment. The only students not tested should be those exempted from testing as a result of parent/guardian request.

Students in grades 4,5,7 or 8 who are repeating a grade and who took the MEAP tests last year are to be tested again.

Students in nongraded programs must be tested if they are in their fourth, fifth, seventh, or eighth year after kindergarten.

Miscellaneous Classification

Schools are required to identify students in the following classifications on the MEAP answer sheets:

- **Special Education (S.E.)** -- a person under 26 years of age who is determined by an Individualized Education Planning (IEP) Team or by a hearing officer to have a disability defined in Michigan's Administrative Rules (R340.1703-R340.1715) that necessitates special education.
- **Limited English Proficiency (L.E.P.)** -- a student who has or reasonably may be expected to have difficulty performing ordinary class work in English because his/her native tongue is a language other than English, or because he/she comes from a home or environment where the primary language used is a language other than English.
- **Braille (Braille)** -- a student who has used the Braille edition of the test.
- **Accommodations (Accom.)** -- a student for whom a testing provision is made so that the effect of a disability is minimized and the student is provided an opportunity to demonstrate the degree of achievement he/she actually possesses.
- **Migratory Status -- (M.S.)** -- a student who has moved with a parent or guardian or by him/herself within the past thirty-six months across district or state boundaries in order that the parent, guardian, or self might secure temporary or seasonal agricultural or fishing employment.
- **Economically Disadvantaged (E.D.)** -- a student from a low income family as defined by the income guidelines for free and reduced price meals (This information is required for all districts that receive Title I funds; the U.S. Department of Agriculture has ruled that eligible children may be identified on state assessment tests to meet this requirement.)
- **Mobile** -- a student who has been enrolled in the school or its feeder school for less than one year at the time the tests are administered (MEAP Coordinator Manual, Grades 4, 5, 7, & 8, pg. 9).

Parent Exemption

All students have the right to be tested unless a parent or guardian requests an exemption. Parents or guardians of a student who is limited English proficient (LEP) may decide that it is not in the best interest of the student to take the MEAP tests.

A parent or guardian who wishes to exempt his/her student from taking the MEAP test must complete a Parent/Guardian Student Exemption Request Form, which can be obtained from the district MEAP coordinator. It is recommended that schools keep a copy of completed exemption request forms with school records. If a student is parent exempted, the school should fill in the "Parent Exemption" oval on the student's answer booklet/sheet (MEAP Coordinator Manual, Grades 4, 5, 7, & 8, pg. 9).

Exclusion Criteria

A student who is tested may have his/her test score excluded from school, district, and state summary reports only if he/she meets one or more of the following criteria.

- Special Education Students -- The scores of any student who has been found eligible for special education services through an Individualized Educational Plan (IEP) and receives 49% or less of his/her reading/English instruction per week through general education may be considered to have his/her scores excluded.
- Limited English Proficiency Students -- The scores of any student who is non-English speaking from a traditionally non-English speaking country and has been enrolled in school in the United States for less than two years may be excluded.

The scores of a tested special education or limited English proficient student who is eligible for exclusion will be excluded from summary reports only if the "Excluded" oval is gridded. Individual Student Reports and Parent Reports will be generated for all excluded students (MEAP Coordinator Manual, Grades 4, 5, 7, & 8, pg. 10).

Accommodations

Limited English proficient students who take the MEAP tests should be permitted the following accommodations as needed to allow them to demonstrate their proficiency in the subject areas tested:

- Use of a native language/English translation dictionary
- Test directions (but not test items) read to student in native language
- Additional testing time
- Flexible settings, such as small group or individual testing in a separate location.

Accommodations that interfere with student test performance or subvert the purpose of the test (such as reading test items) are not permitted.

ENHANCING A BILINGUAL EDUCATION PROGRAM

Question Once the bilingual program is established, is technical assistance for program development available?

Answer Assistance is available from the regional consultants in the Office of Field Services at the Michigan Department of Education. These consultants may be contacted by telephone at (517) 373-4588 or by writing to: Office of Field Services, Michigan Department of Education, P.O. Box 30008, Lansing, MI 48909. A list of the regional consultants is also available on the Department website at: www.state.mi.us/mde/off/fs/index.htm.

Question Is research on bilingual education available?

Answer Information on curriculum, instructional strategies, best practices, advisory committees, training and other issues can be found at:

National Clearinghouse for Bilingual Education (NCBE)
The George Washington University
Center for Applied Linguistics
1118 22nd Street NW
Washington, DC 20037
www.ncbe.gwu.edu
1-800-321-6223

The National Association for Bilingual Education (NABE) offers links to services nationwide. The latest research is available to teachers, parents, administrators, and students who seek information on bilingual education. NABE can be reached at:

NABE
1220 L Street NW Suite 605
Washington, DC 20005-4018
Phone: (202) 898-1829 Fax: (202) 789-2866
Email: NABE@nabe.org
www.nabe.org

Programs for Educational Opportunity (PEO) provides technical assistance to states and school districts in their efforts to treat all students equally and to help them succeed in school whatever their background is. PEO can be reached at:

The University of Michigan
School of Education
Programs for Educational Opportunity
1005 School of Education Building
Ann Arbor, MI 48109-1259
Phone: (734) 763-9910 Fax: (734) 763-2137

The University of Wisconsin-Madison, through its School of Education and through the Wisconsin Center for Education Research (WCER) houses the Comprehensive Regional Assistance Center (CRAC) - Region VI. It encompasses the states of Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin. The University of Wisconsin-Madison is also the principal and legal grantee in a collaborative partnership with the United Tribes Technical College (Bismarck, ND), Hamline University (St. Paul, MN), and Eastern Michigan University, Comprehensive Assistance Education Center (CAEC) (www.emich.edu/public/ceac/default.htm), (Ypsilanti, MI).

Question What colleges and universities offer bilingual and/or English as a second language (ESL) endorsement programs?

Answer Bilingual Endorsement Programs and Contact People:

Adrian College	Dr. Donald Cellini	(517) 265-5161
Aquinas College	Nancy Schmiedicke	(616) 459-8281
Andrews University	Dr. Paul Denton/Jeanie Wolfer	(616) 471-3599
Calvin College	Dr. Edna Greenway	(616) 957-6355
Central MI University	Dr. Barbara Kirk	(517) 774-3657
Eastern MI University	Dr. Phyllis Noda	(734) 487-0130
Kalamazoo College	Dr. Karen Selby	(616) 337-7033
Saginaw Valley State U	Dr. Gladys Hernandez-VanHoff	(517) 790-4494
Wayne State University	Dr. Mark Rosa	(313) 577-0902

Question Who can districts contact for staff training, student advocacy, and support for the education of LEP students?

Answer The district's first point of contact is the regional Field Services consultant assigned to their area, then the Office of Field Services at (517) 373-4588. Another resource is the Michigan Association for Bilingual Education, which maintains a website at:
www.mabe-mich.org/.

Question Where are the major languages and populations of bilingual students located in Michigan?

Answer A report that contains the name of the districts and the different languages spoken by the students is available on the Office of Field Services website at:
www.state.mi.us/mde/off/fs/index.htm.

APPENDIX I

Summary of Recipient Obligations Under Title VI (Office for Civil Rights)

Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R., Part 100, a recipient of federal financial assistance must ensure that limited English proficient national origin minority students are provided equal educational opportunity. The following statements do not supercede, nor are they intended to supercede, the generally applicable policies issued by OCR in the following OCR policy memorandum: “Identification of Discrimination and Denial of Services on the Basis of national Origin,” 35 Fed. Reg. 11,595 (1970), “OCR’s Title VI Language Minority Compliance Procedures,” (1985), and “Policy Update on School’s Obligations Towards Proficiency (LEP Students)” (1991). Rather, the statements are intended to accurately and concisely summarize current OCR policies and practices with respect to Law.

A. IDENTIFICATION

Each national origin minority student, in kindergarten through grade twelve, who has a primary or home language other than English must be identified upon enrollment in a recipient’s educational program.

B. ASSESSMENT AND ELIGIBILITY

Each national origin minority student, in kindergarten through grade twelve, identified as having a primary or home language other than English must be assessed in a timely manner using objective assessment instruments to determine if alternative program services are needed because of limited proficiency in reading, writing, speaking, and understanding the English language. The criteria used to ensure that all students receive services who are unable, due to limited English language proficiency, to effectively participate in regular education programs as compared with native English-speaking students.

C. ALTERNATIVE PROGRAM

Each national origin minority student who is determined to be limited English proficient will be provided alternative program services. Alternative program services are those instructional services provided in a program recognized by appropriate educational experts as effective for teaching English language skills to limited English proficient students and providing them equal access to the core academic curriculum.

D. ALTERNATIVE PROGRAM PLACEMENT

Each national origin minority student, in kindergarten through grade twelve, determined to be limited English proficient must be provided with alternative program services determined appropriate in amount and type for the student based on the student’s level of academic skills and English language proficiency.

E. ALTERNATIVE PROGRAM STAFF

Alternative program teachers must be appropriately certified and endorsed under SEA standards and professionally qualified to provide the alternative program to which they are assigned. Additionally, the alternative program teachers must be available in sufficient numbers to ensure effective implementation of the recipient's chosen alternative program. To the extent that such staff are unavailable, a recipient may temporarily operate an interim program which promotes educational opportunity for limited English proficient students while it is actively engaged in obtaining or training qualified teachers.

Alternative program support staff must be qualified for the educational support roles which they are to fulfill in a recipient's alternative program. Minimally, they must have the English language and native language skills appropriate to their assigned, non-instructional role in the alternative program. Support staff must be closely and appropriately supervised by certified/endorsed instructional staff.

F. INSTRUCTIONAL MATERIALS AND FACILITIES

Adequate and appropriate instructional materials and facilities must be provided to alternative programs to ensure that the materials and facilities provided to limited English proficient students are as effective and comparable as those provided to non-limited English proficient students.

G. EXITING CRITERIA AND MONITORING OF EXITED STUDENTS

Limited-English proficient students must be exited from alternative programs only when it has been determined through objective measures that the student is sufficiently proficient in speaking, reading, writing, and understanding the English language to participate effectively in the regular education program. Exited students must be monitored for a reasonable time period to ensure that they are not in need of additional alternative program services.

H. ALTERNATIVE PROGRAM EVALUATION AND MODIFICATION

The effectiveness of alternative programs must be evaluated periodically. If limited English proficient students are not acquiring sufficient English language skills to allow effective participation in regular academic programs in a reasonable amount of time and in a manner equivalent to the participation of non-limited English proficient students, appropriate modifications to alternative programs must be made.

I. PARENT/GUARDIAN NOTIFICATIONS

Adequate notification must be provided to non-English speaking national origin minority parents/guardians of alternative program services as well as other programs/activities which are brought to the attention of other parents/guardians.

J. SPECIAL EDUCATION

Special education students who are limited English proficient must be provided with appropriate alternative language services. Limited-English proficient students must not be assigned to special education program services on the basis of criteria which essentially measure and evaluate English language skills.

K. CATEGORICAL PROGRAMS

Limited-English proficient students must be provided meaningful access to gifted and talented programs, upper level courses, vocational courses, and other categorical programs. Students should not be restricted in such access by the imposition of any criteria or methods of administration which delay or deny participation unless English language proficiency is an essential component of the program. Modification of instruction or individual assistance should be provided to enable otherwise qualified students to participate in such programs.

L. SEGREGATION

Limited-English proficient students may not be segregated from their non-limited English proficient peers except to the extent educationally justified to meet the recipient's stated goals for the alternative program.

APPENDIX II

Terms Commonly Used in Bilingual and English as a Second Language Education

BICS

Basic Interpersonal Communication Skills refers to a student's social English language skills. Research indicates that a student takes one to three years to acquire functional social language skills. (Cummins, 1981).

Bilingual Education

Bilingual Education is a means that make it possible for linguistically diverse children to achieve the same challenging academic standards required of all children enrolled in America's schools.

Bilingual Instruction

Bilingual Instruction is defined as instruction in two languages, one of which is English, as media of instruction for speaking, reading, writing, or comprehension. Bilingual instruction may include instruction in the history and culture of LEP students who are enrolled in the program and in the history and culture of the United States. A well designed bilingual instructional program, using the student's native language (to varying degrees), can be very effective in promoting English proficiency and subject area competence.

Bilingual Paraprofessional

A bilingual paraprofessional is an individual that provides support services to the LEP student. Language proficiency must be demonstrated in reading, writing, speaking, and comprehending in both the English language and the native language of the children to whom they provide support services.

Bilingual Teacher

A bilingual teacher is a person who is proficient in two languages and has a bilingual endorsement.

CALP

Cognitive Academic Language Proficiency (CALP) refers to the English language skills necessary to function successfully in an academic/school environment. Research indicates that it takes a student from three to seven years to acquire CALP. (Cummins, 1981)

Content-based English as a Second Language

This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.

Dual Language Program

Dual Language Program is also known as two-way or developmental. The goal of these bilingual programs is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half native English speakers and half native speakers of the other language.

English Language Learner

An English Language Learner (ELL) is a student whose first language is not English, and who is in the process of learning English. This term is often preferred over LEP as it highlights accomplishments rather than deficits.

Home Language Survey

A survey performed by local school officials to identify all students whose native language is a language other than English or whose primary language spoken in the home or environment is a language other than English. The students identified are potentially eligible to receive bilingual instruction.

Language Dominance

Language Dominance refers to the measurement of the degree of bilingualism, which implies a comparison of the proficiencies in two or more languages.

Language Proficiency

Language Proficiency refers to the degree to which the student exhibits control over the use of language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary, and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.

Limited English Proficient Student

A Limited English Proficient (LEP) student is an individual who has a primary or home language other than English who, because of limited proficiency in speaking, reading, writing, and understanding the English language, requires alternative programs or service to equally access the local education agency's (LEAs) total academic curriculum. In Michigan, a student is termed LEP if he/she scores at or below the 40th percentile on a standardized English reading test, or sub-test, or on a test of oral English language proficiency.

ESL Program

English as a Second Language (ESL) is a program of techniques, methodology and special curriculum designed to teach LEP students English language skills, which may include listening, speaking, reading, writing, study skills, content vocabulary, and cultural orientation. ESL instruction is usually in English with little use of native language.

FEP

Fluent or fully English proficient.

Lau v. Nichols

A class action suit brought by parents of non-English proficient Chinese students against the San Francisco Unified School District. In 1974, the Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking Chinese students in the district.

Sheltered English Instruction

An instructional approach used to make academic instruction in English understandable to LEP students. Students in these classes are "sheltered" in that they do not compete academically with native English speakers in the mainstream. In the sheltered classroom teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies and other subjects.

APPENDIX III

General Resources on the Web

National Clearinghouse for Bilingual Education. This site provides information on language education for minority students, bilingual education, and English as a second-language (ESL). This site contains information on designing, implementing and evaluating programs for English Language Learners (ELL) students.

www.ncbe.gwu.edu/

Teachers of English to Speakers of other Languages, Inc. TESOL's mission is to develop the expertise of its members and others involved in teaching English to speakers of other languages to help them foster effective communication in diverse settings while respecting individuals' language rights. This international organization is one of the largest professional organizations for professionals in second language acquisition and contains a variety of information about the subject.

www.tesol.edu/index.html

University of Texas at Austin, College of Education. This site provides links to bilingual education resources on the internet.

edb.utexas.edu/coe/depts/ci/bilingu/resources.html

The U.S. Department of Education. This is the Department's home page and serves as a resource and a gateway to other useful web pages, including the Office for Civil Rights (OCR).

www.ed.gov/

www.ed.gov/offices/OCR/

The U.S. Department of Education, Office of Bilingual Education and Minority Language Affairs (OBEMLA). Established in 1974 by Congress, OBEMLA helps school districts meet their responsibility to provide equal educational opportunity to ELL children.

www.ed.gov/offices/OBEMLA/

ERIC Clearinghouse on Language and Linguistics. This site contains a long list of articles relating to language learning, using resources from within language minority communities, model programs, and integrating world language learning with other subject matter classes.

cal.org/ericcl/digest/

James Crawford's Language Policy Web Site and Emporium. This commercial site was created by a former editor of Education Week who specializes in the politics of language. The site includes numerous articles on current trends in language legislation, research on bilingual education, and other language policy issues.

ourworld.compuserve.com/homepages/JWCRAWFORD/new.htm

Center for Applied Linguistics (CAL). CAL is a private non-profit organization that aims to promote and improve the teaching and learning of languages. It identifies and develops effective educational practices for linguistic and cultural minority students.

www.cal.org